



U.S. Department of the Interior
Bureau of Land Management

Module 1 – Lesson 6

Documenting Compliance Inspection





LESSON OBJECTIVE

By the end of this lesson each student should be able to...

Given the results of an environmental/surface (ES) compliance inspection or an undesirable event inspection, document the inspection in accordance with applicable BLM policy and regulatory guidance.



LESSON ROUTE

We will cover:

- General Knowledge: Documenting Compliance Inspections
- Process for Documenting Compliance Inspections



A wide-angle photograph of a river winding through a valley with steep, eroded hills. The foreground shows a rocky, light-colored slope with sparse vegetation. The river is calm, reflecting the sky and the surrounding landscape. The hills in the background are layered, showing different geological formations.

GENERAL KNOWLEDGE: DOCUMENTING COMPLIANCE INSPECTIONS



WHO IS RESPONSIBLE FOR DOCUMENTING A COMPLIANCE INSPECTION?

Oil and Gas Surface Inspector

- SRS, NRS, EPS, etc.

The high-priority environmental inspections will normally be done by the surface inspector, but the Authorized Officer may use other specialists.





WHAT IS THE PURPOSE AND IMPORTANCE OF DOCUMENTING A COMPLIANCE INSPECTION?

- A. Provides evidence of the findings identified at the inspection
- B. Ensures that enforcement actions are issued in accordance with BLM policy and regulations
- C. Determines and demonstrates work accomplishments
- D. Provides defensibility for findings and enforcement actions
- E. Documentation must support enforcement actions when they are challenged administratively or legally

“Sufficient documentation is the mainstay of successful enforcement.”

- H-3160-5, Section VI, page VI-2





A. Provides evidence of the findings identified at the inspection

- Without evidence of our findings, we will not be able to enforce regulations, COAs, the SUPO, etc.
- We must have clear and concise evidence of what we identify at the inspection
- Inspection and monitoring documentation provides a baseline for future inspections:
 - What has changed,
 - What has improved,
 - What has deteriorated, etc.
- Inspection documentation allows us realize what mitigation measures are working/not working, and what needs to change



B. Ensures that enforcement actions are issued in accordance with BLM policy and regulations

- Documentation reviews occur to ensure BLM compliance with BLM policy and regulation:

| | |
|--|---|
| Internal Control Reviews (ICR) | Audits completed to ensure inspectors are following BLM policy and regulations. |
| State Director Reviews (SDR) | Review completed by the state office if an operator appeals an enforcement action. |
| Interior Board of Land Appeals (IBLA) | Review completed by a court if an operator appeals an SDR. |
| Oversight Inspections | Should be conducted on each inspector annually. |



C. Determines and demonstrates work accomplishments

- BLM I&E workload (strategy) is based on inspection time
 - Very important to accurately document inspection times in order to have a reasonable amount of inspections on your annual strategy
 - A 5-year average of your inspection hours per inspection determine how many inspection you can do
- In order to demonstrate work accomplishments, inspections need to be recorded clearly and concisely
- Not only are inspections tallied against the strategy, the different types of inspections will demonstrate the inspector's ability to do those types of inspections
- The recorded inspection can illustrate where the inspector exceeds, where the inspector needs more training, or how the inspector has used tools and resources to accomplish the inspection



D. Provides defensibility for findings & enforcement actions

- Evidence of findings must be documented clearly
- Clear evidence of issues or violations documented in the official well file adds to greater defensibility





E. Documentation must support enforcement actions when they are challenged administratively or legally

- Inspection documentation must support your enforcement action
- If you have an enforcement action that is challenged, a well-documented inspection could support the initial decision to issue the enforcement action
- Without sufficient documentation, your action may not be defensible if the operator requests an SDR or the action goes to IBLA



WHAT ARE THE DIFFERENT ITEMS REQUIRED TO BE DOCUMENTED?

16 Items to Document

****Note:** Not all of the following items are required to be documented for each inspection. If you have these items to document, they should be included in the inspection record in the official well file.





WHAT TYPE OF ITEMS DO WE DOCUMENT:

1. The type of inspection performed
2. Activities that were performed or witnessed (e.g., road blading, culvert installation, etc.)
3. Who witnessed the activity
 - including the person representing the company (pumper, service company representative, etc.)
4. Specific times and dates when critical activities were witnessed
5. Problems encountered during the inspection process and how they were resolved
6. Deviations from the approved plan and reasons for the changes
7. Telephone or personal conversations or verbal requests critical to the operation or inspection where agreements or decisions were made
8. The results of the inspection or operation witnessed



WHAT TYPE OF ITEMS DO WE DOCUMENT:

9. Any violations or problems (potential future violations) identified
10. Other information pertinent to the inspection
11. Worksheets or checklists developed by offices or other sources used to document inspection results
12. Inspection notes
13. Job logs, service company reports, or any other information available either from the operator or its contractors requested, if applicable, to documenting operations witnessed
14. Photographs taken to document violations containing a brief, accurate description of what was photographed, including the location, as well as the date and time of the photo
15. Telephone conversations
16. A summary of the results of the inspection



WHAT ARE THE OIL AND GAS SURFACE INSPECTOR'S RESPONSIBILITIES WHEN DOCUMENTING COMPLIANCE INSPECTIONS?

- Clear, concise, and legible – make sure others can read the inspection
- Ensure compliance with the SUPO, subsequent approvals (Sundry Notices, COAs (for APDs and Sundry notices), lease stipulations
- Is the inspection a low priority or high priority Inspection?
- Make sure the basis for enforcement actions is sound
- Ensure that the BLM's enforcement actions are defensible
- Ensure enforcement actions can be upheld during a State Director Review or a IBLA appeal



WHEN ARE COMPLIANCE INSPECTIONS REQUIRED TO BE DOCUMENTED?



Soon after inspection:

- Issues can be addressed in a reasonable amount of time
- Reduces redundant inspections on the same well by other surface inspectors in the office



WHAT GUIDANCE CAN THE INSPECTOR USE FOR DOCUMENTING COMPLIANCE INSPECTIONS?

- H-3160-5: Inspection and Enforcement Documentation and Strategy Development Handbook
- IM 2019-020: Reporting of Undesirable Events
- IM 2012-161: Oversight of the Oil and Gas Inspection and Enforcement Program
- IM 2009-224: Monitoring Inspections



A photograph of a rocky cliff face with a river in the foreground. The cliff has a natural rock archway. The sky is overcast and grey.

PROCESS FOR DOCUMENTING COMPLIANCE INSPECTIONS



Common steps for documenting compliance inspections:

Step 1

- Determine your inspection time

Step 2

- Enter inspection results into AFMSS

Step 3

- Compile inspection paperwork

Step 4

- File inspection documentation



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WHY DO WE TRACK OUR TIME?

- Plan the annual workload requirements
 - The office strategy is developed using the time you record for each inspection
- Determine the number of personnel needed to complete quality inspections
- Inspection times are looked at by SO and HQ staff



WHO IS RESPONSIBLE FOR TRACKING, DOCUMENTING, AND DETERMINING INSPECTION TIME?

The Inspector

Extreme care must be exercised when coding Office, Travel, and Inspection times.
Only code for actual hours worked for that particular activity.



How do I track time? What do I track?

Time spent doing:

- Action research before and after inspection
 - (file review, APD/SUPO review, etc.)
- Traveling to an inspection activity
 - Last inspection activity should include time from previous activity and time back to office
- Inspection time at the location
- Calculations
- AFMSS entries for the inspection activity
- Enforcement actions (issuance and follow-up)
- Documenting the inspection





REMEMBER:

- Inspection time must be tracked by each Inspection Activity.
 - ES/SP, ES/SA, ES/IR, etc.
- The inspection times are to be recorded to the nearest one-tenth (1/10) of an hour.
- Ensure efficient use of work-hour tools/flexible schedules to achieve goals
- Guidance in H-3160-5 I&E Handbook, pages IV-9 and IV-10



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Inspections should be documented fully in AFMSS 2.

Information required for an inspection include:

- Inspection Type (ES)
- Inspection Activity Code (SD, SC, IR, SP, & SA)
- Open and Close Dates for the Inspection Activity
- Office, Travel, and Field Hours for the Inspection Activity
- Date of Last Inspection (Inspection Date)
- Are operations in compliance question
- Inspection Remarks
 - *Summary of Inspection Findings*



AFMSS 2 Entries for Undesirable Events

Your undesirable event and the inspection must be entered into AFMSS 2

- Cause of the Event
- Action to Control Event and Clean-up
- Damage from the Event
- Action Taken to Prevent Event in the Future
- Injuries Cause by the Event
- Inspection Details





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REMEMBER: Good documentation is important because...

- It provides a record of the inspection
- The hard copy file is the legal documentation
 - Critical for SDRs, appeals, litigation
- AFMSS entry provides field offices with the capability to determine program direction (strategy) and the ability to focus on the most critical noncompliance areas
- AFMSS entry provides statistical info that can be monitored at the state and national level (and can be released under a FOIA)



Compiling Documentation for Compliance Inspections

- **Ensure documentation is compiled appropriately:**
 - ES Inspection Form 3160-33
 - Photographs with information and descriptions
 - Calculations (e.g., topsoil stockpiles, secondary containments, etc.)
 - Other pertinent documents (e.g., conversation records, etc.)



Documentation for Undesirable Events

Your undesirable event documentation should include:

- **Initial Notification of Event**
 - Phone conversation record, email, etc.
- **NTL-3A Written Reports**
 - Initial, Interim, and Final
- **EU Inspection**
 - Form 3160-UE, photos, maps, etc.
- **Sampling Plan**
 - Should come in as a Sundry Notice
- **Soil/Water Sample Results**
 - Actual Lab Results
- **Remediation and Reclamation Plan**
 - Should come in as a Sundry Notice
- **Other Correspondence**
 - Telephone conversation records, emails, etc.
 - Correspondence with operator, state office, national office, other agencies, etc.





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WHY IS FILING IMPORTANT?

Documentation must be maintained in an official hard copy file, and;

Forms the legal historical record for the inspection program.



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LESSON TERMINAL OBJECTIVE

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LESSON SUMMARY

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- Process for Documenting Compliance Inspections



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Documenting Compliance Inspection

A photograph of a river flowing through a landscape. In the foreground, there are green trees and grass. In the background, there are mountains with a prominent cliff face. The water in the river is calm and reflects the surrounding landscape.

END